

REMARKS

I. Introduction

Claims 8-26 are pending in the present application. Claims 8-26 were rejected. Claim 8 has been amended. In view of the forgoing amendments and following remarks, it is respectfully submitted that claims 8-26 are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 8, 10, 12, 14, 16, 17, and 23 under 35 U.S.C. § 102(b)

Claims 8, 10, 12, 14, 16, 17, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,908,611 (“Iino”). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

To anticipate a claim under 35 U.S.C. §102(b), a single prior art reference must identically disclose each and every claim feature. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claim feature is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Still further, not only must each of the claim features be identically described, an anticipatory reference must also **enable** a person having ordinary skill in the art to practice the claimed subject matter. (See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics **necessarily** flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claim 8 recites, in relevant parts, a device configured to **project an image** of a passenger figure (2) **in a passenger space** of a vehicle (1) **defined by an area of a vehicle seat**, wherein the device is further configured to provide acoustic information to the driver of the vehicle from an acoustic sound source, and wherein the acoustic sound source is associated with the projected image of the passenger figure in the passenger space. Support

for this amendment may be found, e.g., at p. 3, l. 33 – p. 4, l. 3 and p. 5, l. 11-12 of Substitute Specification, as well as in Fig. 1. In contrast to the above-recited claimed features, the images of the head-up display apparatus of Iino are displayed on **a first display unit on a dashboard of a vehicle or on a second display unit situated on a console box at a middle portion between two front seats of the vehicle**, as stated in column 3, lines 47-51 of Iino. Clearly, not only does Iino fail to teach projecting an image **in a passenger space** of a vehicle **defined by an area of a vehicle seat**, but Iino also clearly fails to **enable projecting an image** in a passenger space. Accordingly, it is respectfully submitted that amended claim 8 is not anticipated by Iino.

As for claims 10, 12, 14, 16, 17, and 23, which ultimately depend from claim 8 and therefore include all of the features of claim 8, it is respectfully submitted that claims 10, 12, 14, 16, 17, and 23 are not anticipated by Iino for at least the reasons set forth above in support of the patentability of claim 8.

In view of all of the foregoing, removal of this rejection is respectfully requested.

III. Rejection of Claims 9, 11, 13, 15, 18-22, and 24-26 under 35 U.S.C. § 103(a)

Claims 9, 11, 13, 15, 18-22, and 24-26 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 4,908,611 ("Iino") in view of U.S. Patent No. 6,236,968 ("Kanevsky"). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly

indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007).

Iino relates to an apparatus for displaying vehicle-related information and TV programs to a vehicle driver and/or vehicle passengers, which TV programs may only be viewed by the driver when the vehicle is stopped and parked. In contrast, Kanevsky relates to an automatic dialog system for keeping a driver awake during a long trip or a trip during evening hours. The overall teachings of these applied references simply do not contain a motivation for making the selective combination asserted by the Examiner. The possibility of the two inventions merely sharing a processor and wiring system is not, in itself, a valid reason for combining the teachings of Iino and Kanevsky, particularly since the Examiner has not produced any evidence in the Office Action regarding how the shared processor and wiring system would necessarily reduce costs. Furthermore, regarding the contentions appearing on page 4, lines 17-22 of the Office Action, seat occupancy recognition systems are clearly **not discussed in Iino or Kanevsky**; instead, only the present application mentions the seat occupancy recognition systems, which disclosure clearly cannot be used as a motivation to combine the teachings of Iino and Kanevsky. Accordingly, it is respectfully submitted that it is improper to combine the Iino and Kanevsky references in support of an obviousness rejection of claims 9, 11, 13, 15, 18-22, and 24-26.

Notwithstanding the above, claims 9, 11, 13, 15, 18-22, and 24-26 ultimately depend from claim 8 and therefore include all of the features of claim 8. As discussed in section II of this Amendment, Iino does not disclose or suggest a device configured to project an image of a passenger figure in a passenger space of a vehicle **defined by an area of a vehicle seat**. In addition, Kanevsky does not cure the deficiencies of Iino with regard to this claimed feature. Accordingly, it is respectfully submitted that the proposed combination of the Iino and Kanevsky references cannot render unpatentable claims 9, 11, 13, 15, 18-22, and 24-26 for at least these reasons.

In view of all of the foregoing, removal of this rejection is respectfully requested.

IV. CONCLUSION

In view of all of the above, it is respectfully submitted that all of the presently pending claims 8-26 are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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